IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2524 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANJAY JATINKUMAR BHATT

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 2524 of 2002

MR RM CHHAYA for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 22/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Mr. Chhaya, learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Chhaya, has taken me through the petition and documents attached thereto. It is his contention

that the passport authority had issued a passport in favour of the petitioner considering his application on 15th April, 1986 showing the birth date of the petitioner as 4th April, 1965 . The xerox copy of the passport is annexed to the petition as Annexure C. It is the case of the petitioner that at the time of submitting the application for passport while submitting the documents, the petitioner had relied upon the school leaving certificate issued by School authority namely, Principal, Jyoti Higher Secondary School, Ahmedabad dated 25th June, 1983 showing the date of birth of the petitioner as 4th April, 1965. It is the case of the petitioner that the petitioner has got admission in the school on 17th August, 1981 by disclosing the date of birth as 4th April, 1965. It is submitted that actual date of birth as per the birth certificate issued by the Medical Officer of the Health Municipal Corporation, Bhavnagar is 17th October, 1964. It is submitted that the petitioner has made an application to the passport authority indicating this facts and in the said application the petitioner has requested for effecting the change in the new passport and the birth date of the petitioner may be seen as 17th October, 1964 in the passport instead of 4th April, 1965.

2. It is an admitted fact that the representation of the petitioner is still pending with the respondent authority. Mr. Chhaya, learned advocate appearing for the petitioner has submitted that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and accordingly, he requested that necessary direction be given to the authority.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Medical Officer of the Heath Municipal Corporation, Bhavnagar shows that the birth date of the petitioner is 17th October, 1964. It will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

Respondent authority is also directed to decide the representation of the petitioner as expeditiously as possible.

4. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)

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